

LYNCH ICHIDA THOMPSON KIM & HIROTA

TIMOTHY J. HOGAN 5312-0
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. No. (808) 528-0100
Fax No. (808) 528-4997
E-mail: tjh@loio.com

Attorney for Plaintiff
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;
Plaintiff,
vs.
HAWAIIAN EXPRESS SERVICE,
INC., a California corporation; et al.
Defendants.

) Civ. No. CV03 00385 SOM-LEK
) (Copyright)
)
) PLAINTIFF WAYNE BERRY’S
) NOTICE OF INTENT TO RELY ON
) UNCITED AUTHORITY; EXHIBIT
) “A”
)
)
)
)
) HEARING
)
) Date: February 26, 2007
) Time: 9:00 a.m.
) Judge: Judge Susan Oki Mollway
)
)
)
)
)

PLAINTIFF WAYNE BERRY'S
NOTICE OF INTENT TO RELY ON UNCITED AUTHORITY; EXHIBIT "A"

Plaintiff Wayne Berry by and through his undersigned counsel, pursuant to LR 7.8, respectfully gives notice of his intent to rely, at the hearing on Monday February 26, 2007, on previously uncited authority regarding his Motion for Attorneys Fees and Full Costs filed on March 15, 2006 (Docket No. 858); the Report of Special Master on Defendants Guidance Software, Inc. And Michael Gurzi's Motion for Award of Attorney's Fees and Costs and Defendant C&S Logistics of Hawaii, LLC, C&S Wholesale Grocers, Inc. C&S Acquisitions, LLC, ES3, LLC and Richard Cohen's Motion for Award of Attorneys' Fees and Full Costs filed on October 25, 2006 (Docket No. 1012); and the Report of Special Master on Plaintiff Wayne Berry's Motion for Attorney's Fees and Full Costs; Defendant Post-Confirmation Trust's Motion For Attorneys' Fees and Costs and Defendant Employees' Motion for Attorneys' Fees and Costs filed on December 4, 2006 (Docket No. 1017).

Pursuant to LR 7.8, a true and correct copy of *Berkla v. Corel Corp.*, 302 F.3d 909 (9th Cir. 2002) is attached as Exhibit “A.”

DATED: Honolulu, Hawaii, February 20, 2007.

/S/Timothy J. Hogan
TIMOTHY J. HOGAN